



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**To:** Michael Menefee  
Program Manager  
Charitable and Regulatory Programs  
Virginia Department of Agriculture and Consumer Services

**From:** Justin I. Bell  
Assistant Attorney General

**Date:** October 2, 2023

**Subject:** Letter of Assurance for Promulgation of Regulations for Texas Hold'em Poker Tournaments by the Department of Agriculture and Consumer Services, 11 VAC 20-30; amendments to Charitable Gaming Regulations, 11 VAC 20-20.

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I have reviewed the Virginia Department of Agriculture and Consumer Services's (the Department) proposed Regulations for Texas Hold'em Poker Tournaments by the Department of Agriculture and Consumer Services, found at 11 VAC 20-30 that was posted on the Virginia Regulatory Town Hall on September 15, 2023. I also reviewed the proposed amendments to the Charitable Gaming Regulations, found at 11 VAC 20-20.

In my view, as counsel to the Department, these regulations may be promulgated pursuant to § 18.2-340.19 of the *Code of Virginia*. The regulations do not appear to conflict with

the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. The regulatory action also appears to be exempt from the Administrative Process Act as these regulations are necessary to implement the provisions of the third enactment clause of Chapters 554 and 609 of the 2022 Acts of Assembly.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulation.